

The Honorable Jane M. Beckering

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

VALERIE KLOOSTERMAN,

*Plaintiff,*

v.

METROPOLITAN HOSPITAL, d/b/a University  
of Michigan Health-West, et al.,

*Defendants.*

No. 1:22-cv-00944-JMB-SJB

**PLAINTIFF’S MOTION FOR  
LEAVE TO AMEND THE  
CORRECTED FIRST  
AMENDED COMPLAINT**

Pursuant to Fed. R. Civ. P. 15(a)(2), Plaintiff Valerie Kloosterman requests leave to amend her Corrected First Amended Complaint (“FAC”). *See* ECF No. 32; (PageID.511). Plaintiff’s proposed Second Amended Complaint (“SAC”) is attached hereto as Exhibit 1.

The subject amendments are necessary to address the Eleventh Amendment immunity defenses raised by Defendant Metropolitan Hospital d/b/a University of Michigan Health-West’s (the “Hospital”) Motion to Dismiss (PageID.714-717), and Defendants Pai, Cole, Booker, Smith, and Pierce’s (“Defendants”) Motion to Dismiss. (PageID.650-653). To respond to these arguments, Plaintiff seeks leave to:

(1) amend her state constitutional claims alleged in Counts VI-VIII (PageID.563-568) by dismissing her claims against the Defendants in their official capacities, and allege claims solely for monetary damages against the Defendants in their individual capacities;

(2) dismiss her claim against the Hospital under the Elliot-Larsen Civil Rights Act (ELCRA), as alleged in Count IX of the FAC (PageID.569-570), and allege an ELCRA claim for monetary damages against the Defendants in their individual capacities;

(3) clarify that her claim for reinstatement is alleged against Defendants in their official capacity only; and

(4) amend the FAC to clarify that her claim for nominal damages is made against Defendants in their individual capacities.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant her Motion and consider Plaintiffs' Responses to the Hospital and Defendants' Motions to Dismiss in light of the proposed amendments set forth in the Second Amended Complaint.

Respectfully submitted this 9th day of May, 2023.

s/ James R. Wierenga

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